IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.931 OF 2005
IN
SUIT NO.2219 OF 2001

Smt.Savitriben wd/o Mahesh Mehta ....Plaintiff
V/s.
Mrs.Bela Anandjiwala & Ors. ....Defendants

Mr.V.N. Vimadalal i/b Vimadalal & Co. for the Plaintiff.
Mr.Y.N.Adhia for Defendant No.2.
Mr.P.P. Prabhu for Defendant No.3.

CORAM : S.J. VAZIFDAR, J.
DATED : 7TH FEBRUARY, 2006.

P.C. :

1. By an order dated 21.7.2003, the Court Receiver was appointed of Flat No.8 in occupation of Defendant No.3. By the said order, the Court Receiver was directed not to dispossess Defendant No.3 but to appoint him as his agent without security but on such terms as regards royalty as may be determined by the Court Receiver.

2. After taking into consideration the valuation reports from M/s.Nadkarni & Co. and Jayant Karnik, the Court Receiver has arrived at the royalty at the rate of Rs.7000/- p.m.

3. M/s.Nadkarni & Co. had estimated the royalty to be Rs.15,000/- p.m. M/s.Nadkarni & Co. were appointed from the panel of the Court Receiver. Jayant Karnik was appointed by Defendant No.3. The flat is situated at Borivali and admeasures 850 sq.ft. It is on the second floor. The figure of Rs.7000/- p.m. can by no stretch of imagination be said to be on the higher side. The only adjustment I intend making is on account of the fact that even according to other parties, Defendant No.3 has a 1/3rd share in the said flat.

4. In the circumstances and subject to final adjustment and accounts at the hearing of the suit, royalty is fixed at Rs.5500/- p.m. It is clarified that Defendant Nos, 3, 1(a) and 1(b) shall not be entitled to make any application for withdrawal of any part of the said amount as the adjustment of their share has already been made in fixing the royalty. The royalty is fixed at Rs.5500/- per month. All the out-goings in respect of the said flat shall also be paid by Defendant No.3.

5. The arrears of the royalty shall be paid within six months from today. The operation of this order is stayed for a period of four weeks from today

to enable Defendant No.3 to challenge the order.